

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HISCOX INSURANCE COMPANY, INC.,
Plaintiff,

CIVIL ACTION

v.

**MRB LAWN SERVICES, also known as
“MRB LAWN SERVICE,” and SUNBELT
RENTALS, INC.,**

NO. 22-2827

Defendants.

ORDER

AND NOW, this 14th day of September, 2023, upon consideration of Defendants’ partial Motions to Dismiss the First Amended Complaint Pursuant to Rule 12(b)(6) (ECF Nos. 25 & 26) and any response and opposition thereto, it is **ORDERED** that the motion is **GRANTED** as follows:

- 1) Count I of Plaintiff’s First Amended Complaint seeking a declaratory judgment that it has no duty to defend MRB Lawn Services, LLC a/k/a MRB Lawn Service (“MRB”) and Sunbelt Rentals, Inc. (“Sunbelt”) and that the Hiscox Policy does not afford coverage for claims asserted in a lawsuit filed by Brian James Madonna against MRB and Sunbelt in the Pennsylvania Court of Common Pleas for Philadelphia County, Case ID: 211200511 (the “Underlying Lawsuit”) is **DISMISSED WITH PREJUDICE**.
- 2) Count I of Plaintiff’s First Amended Complaint seeking a declaratory judgment that it has no duty to indemnify MRB and Sunbelt for the Underlying Lawsuit is **DISMISSED WITHOUT PREJUDICE** as not being ripe for review.

BY THE COURT:

/s/ Hon. Kelley B. Hodge

HODGE, KELLEY B., J.